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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,016	08/09/2001	V. Christopher Brown	5063A	4151
7590 08/25/2004				
Milliken & Company P.O. Box 1927 Spartanburg, SC 29304		EXAMINER RHEE, JANE J		
		ART UNIT PAPER NUMBER		
		1772		
DATE MAILED: 08/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/927,016

Applicant(s)

BROWN ET AL.

Examiner

Jane Rhee

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11, 13, 16 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 13, 16, 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Rejections Withdrawn***

1. The 35 U.S.C. 103(a) rejection over Kerr (5902662) in view of Sumimoto of claims 11,16,22 have been withdrawn due to applicant's amendment in response 6/1/2004.
2. The 35 U.S.C. 103(a) rejection over Kerr in view of Rockwell Jr. et al. of claim 13 has been withdrawn due to applicant's amendment in response 6/1/2004.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 11,13,16,22 have been considered but are moot in view of the new ground(s) of rejection.

### ***New Rejections***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though, if the differences between the subject matter sought to be patented and the prior art are such that the invention is not identically disclosed or described as set forth in section 102 of this title that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11,13,16 rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr (5902662) in view of Petersen (5024868).

Kerr discloses a floor mat system comprising floor mats wherein each floor mat comprising a carpet pile backing or carrier consisting essentially of non woven fibrous construction (col. 3 line 45), a pile material tufted into the carpet

Art Unit: 1772

pile backing which forms a pile surface on one side of the pile backing (col. 3 lines 43-45), and a vulcanized rubber backing sheet integrated in contacting relation to the other side of the pile backing (col. 3 lines 46-47 and col. 4 lines 25-26) such that the pile backing is bonded substantially uniformly across the rubber backing sheet (figure 3 number 18 and 14). Kerr discloses that the floor mat possesses suitable flexibility to be laundered on a regular basis in a standard industrial washing machine without appreciably damaging the mat or the machine (col. 1 lines 43-46). Kerr discloses that the pile material and/or the carpet pile backing is comprised of natural or synthetic fibers or blends thereof (col. 3 lines 44-46). Since Kerr discloses the same materials desired by the applicant, it obvious that under industrial washing and drying conditions, each of the pile backing and rubber backing sheet are characterized by shrinkage of less than 2.5% when subjected to industrial washing and drying, such that the floor mat is substantially resistant to rippling following industrial washing and drying. Kerr discloses a vulcanized rubber backing having a specific gravity in the range of about 0.5 to 0.98 integrated in contacting relation to the other side of the pile backing (col. 3 line 15).

Kerr fail to disclose that the carpet pile backing weighs from about 3.5 to about 4.5 ounces per square yard or not more than 4.5 ounces per square yard, and the pile material weighs less than 20 ounces per square yard. Kerr fail to disclose that the backing sheet is about 60 mil thick solid rubber. Petersen teaches that the nonwoven carpet pile weighs between 80-150g/m<sup>2</sup> (col. 2 line 6, when converted to ounces per yard square it comes to 2.35-4.42oz/yd<sup>2</sup>) and

Art Unit: 1772

that the backing sheet is about 60 mil thick of rubber (col. 2 line 28 the caoutchouc which is rubber is about 1.5mm thick and when converted is about 60mil) for the purpose of providing a dust control flexible mat being easily washable by the known washing technique (col. 1 line 21-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Kerr with the carpet pile backing that weighs from about 3.5 to about 4.5 ounces per square yard or less than 4.5 ounces per square yard, and the pile material that weighs less than 20 ounces per square yard and that the backing sheet that is about 60 mil thick of rubber in order to provide a dust control flexible mat being easily washable by the known washing technique (col. 1 line 21-25) as taught by Petersen.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr in view of Petersen and in further view of Sumimoto et al. (5198278).

Kerr and Petersen discloses the floor mat described above. Kerr and Petersen fail to disclose that the rubber backing weighs less than 58 ounces per square yard, and that each of the mats has a total mat weight of less than 0.60 pounds per square foot. Sumimoto et al. teaches that the rubber backing weighs 500 to 3000 g/m<sup>2</sup> (col. 4 line 67-68 which when converted to ounces per yard square is 15-88oz/yd<sup>2</sup>) for the purpose of providing a mat that will prevent the occurrence of waving by dimensional change during washing or use (col. 1 lines 58-60).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Kerr with the rubber

Art Unit: 1772

backing that weighs 500 to 3000 g/m<sup>2</sup> in order to provide a mat that will prevent the occurrence of waving by dimensional change during washing or use (col. 1 lines 58-60) as taught by Sumimoto et al.

As to the total weight of the mat being less than 0.60 pounds per square foot, Petersen teaches that the nonwoven carpet pile weighs between 80-150g/m<sup>2</sup> (col. 2 line 6, when converted to ounces per yard square it comes to 2.35-4.42oz/yd<sup>2</sup>) and Sumimoto et al. teaches that the rubber backing weighs 500 to 3000 g/m<sup>2</sup> (col. 4 line 67-68 which when converted to ounces per yard square is 15-88oz/yd<sup>2</sup>) wherein the total weight of the mat would be 17.35-92.42oz/yd<sup>2</sup> which is .12 to .64lbs/ft<sup>2</sup> therefore it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Kerr with the total weight of the mat being less than 0.60 pounds per square foot since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272,205 USPQ 215 (CCPA 1980).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

Art Unit: 1772

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

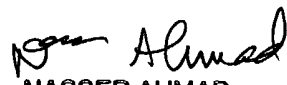
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/927,016

Page 7

Art Unit: 1772

  
Jane Rhee  
August 12, 2004  
20

  
NASSER AHMAD  
PRIMARY EXAMINER 8/22/04